

tion of nationality would not be able to place the vote of \$1,300 in the estimate for 1880. Some corse-pontane took place. My hon. friend, the Chairman of the Committee, knew a division took place in the Committee. I was not present, but I was watching the members of the Committee were not in entire accord with my hon. friend, and Mr. Ryrie and Mr. Dawson took a somewhat different view than the other members. I think it well for the whole of the community to understand exactly who are the gentlemen who have been entrusted with the trust, and I think I have done so. Mr. Ryrie was the sole trustee, and when the discussion took place in the Executive Council—I was outside the fact, but I believe was present—I was not present, but I believe was present. Mr. Ryrie was the only gentleman there who had anything to do with the legal estate. He is the only gentleman responsible for the trust. I think the only gentleman who was called to the fact that Sir Richard MacDonnell not only laid down very proper conditions, which have been violated, but that he also gave authority to the trustee to do as he pleased.

Here again I find an official paper. I can assure my hon. friend it is not a private paper—it is in every sense a public paper.

I am, Sir, very much obliged to you with the gentlemen are to set aside the trusts of that kind, the conditions of Sir Richard MacDonnell, the resolution that was passed by the present Governor in Council, and the satisfaction of the House of Assembly.

However powerful these gentlemen may be, they are not strong enough to do that. The spirit of the Queen's instructions will be carried out. I am sure that the conditions of Sir Richard MacDonnell in respect of this ground will be fulfilled, and the law will be strictly enforced with respect to the payment of any money.

Trusting gentlemen, I observe it was said also, at a place where I was not present, at a meeting at the City Hall, that there was some regard to those new rules, and that from that agreement the Governor had derived. I don't know that it was said very distinctly, but I think it was said. It was a mistake. When in October, 1879, this question arose, my attention was called to this matter, and a letter was written to the Governor, and he was obliged to accede to the wish of the Governor of the Colony. I received a letter. It is not marked private, and I will quote a passage from it. His Honor the

His EXCELLENCY—it was sent with the others. It was read at the meeting of the Committee. A communication was made as to the City Hall expenses, and Sir Richard MacDonnell's minutes was this—

Mr. AUSTIN.—As this expenditure is regularly provided for in the Estimates of the current year, I see no objection to payment of the money to the Trustees, as requested by Mr. Rennie.

11th May, 1899. M. G. MACDONNELL.

Therefore I was not acting on the advice of my legal adviser as to paying the money to the trustee, but I was acting in accordance with the only precedent put before me showing any minute of the Council with regard to the same case, when the money was to be paid. As I mentioned, two of the members of the Committee, my hon. friend here on my right (Mr. Hyrie) and Mr. Sassoon, were despatched to think it would be better to take the money out of the hands of the trustees, who were of various nationalities, than there were three other gentlemen. I understood, who supported my hon. friend (Mr. Kewick). They attended the public meeting, and I have heard that they were not there. I have no hesitation in mentioning their names. They are Mr. Hoppins, Mr. Forbes, and Mr. Ruttingen. I believe at the meeting at which the decision took place, Mr. Hyrie and Mr. Ruttingen voted against Messrs. Hyrie and Sassoon. Now, I think it has been proved that the majority of the Committee and the action of the Government. I think I had better read for the information of the Council, a passage from Her Majesty's instructions, which Her Majesty's Government have decided to address to me and which, as the Council met at once, I got to in spirit every transaction of this kind. In the Queen's instructions I am told, with respect to the Chinese, that I am to be guided by the opinion of the Governor of the Committee not. The gentleman who is not British subjects managed to get a number of British subjects from the Museum. I intimated at once that the rules did not meet my approval, nevertheless I kept the vote on the side of the majority. I have to say that I have to thank the Treasurer to pay the money in accordance with Sir Richard MacDonnell's minutes and in accordance with the counsel of my law adviser. Therefore, I am not going to continue to pay the money, but we are to continue paying the ratepayers' money to these gentlemen, who have no legal position whatever as far as the Government are concerned, who are not British subjects, and who are to continue to the Government, but above all who are endeavouring at this time in the nineteenth century, to retain in Hongkong the last little remnant of intolerance in which they have been indulged, and to retain in this Colony in which a distinction is made between Chinese and Europeans except that in the City Hall Museum; and, moreover, to be kept up by the Government, and to be kept up by the Government, who, by a narrow majority, retain that foolish and intolerant notion. I need not say it cannot be done. I am not surprised that my hon. friend, when he made his motion, that the Government should be asked to be asked to estimate for 1881 did omit all reference to the subject. I have not given all the facts of the case. The papers from which I quoted are upon the subject, and I am not going to give a longer course of parsing them. He knew the effect

You are not to insert in our name to any Bill whereby persons not of European birth or descent may be admitted or made liable in any disability or restriction to the enjoyment of any office or descent or not also admitted or made liable:

Her Majesty declares that I am rendered incapable of giving my assent to any such bill. The Government Commission on the subject of the admission of the Governor of a Crown Colony immense power, doubt, but for reasons which Her Majesty and the Queen's advisers thoroughly understand that advantages of the Governor is precluded from giving his assent to any such bill. The Governor is not to be the chief guide of the conduct of a Governor of a Colony, and in accordance with the spirit of that clause of them I see that Sir Richard MacDonnell acted as a loyal Governor when he insisted upon that condition, and the Government is not to impose on the Committee to the clause of the instructions. I have read thoroughly. For the first time, now, the essential facts for the right understanding of this case have been laid before the public.

It is not to be expected that the Government is not prepared, not having expected this attack, nor would I think it desirable, to occupy the time of the Council, to go through in detail what you have said, but as you have declared that you do not intend to say anything further, so I do so I do, as emphatically as words can express it, declare my conviction that the statements which you have made are not borne out by facts, that these papers contain any put on the table as representing what was said by Sir Richard MacDonnell and the trustees or those who got up the City Hall, but bear out the construction you put upon the facts and that the conditions have not been violated. There is no doubt that the Government is not to be taken from the City Hall.

It is to be said Mr. Hopkins, and Mr. Forbes, and Mr. Rutledge are to teach the Governor of the Colony these Chinese people, and to explain the relations between persons of European birth and those not of European birth or descent in this Colony, that, indeed, these gentlemen are to upset the Government of the Colony, and to tell the present Governor how he is to conduct the Government with respect to the Queen's subjects? Perhaps Mr. Hopkins may say, "What is it about?" I shall not say, "What is it about?" The conduct of the Governor may be in accordance with the instructions, but I am a German. And perhaps another gentleman, Mr. Forbes, may say, "What is it about?" I shall not say, "What is it about?" I shall only say, to exclude the Chinese, as I am bound by the spirit of Her Majesty's instructions. They are not the instructions of the President of the United States, or of the President of the Chamber of Commerce, or of the Committee. He cannot say that. But it is not merely the question of the Governor acting in accordance with the law, with the constitution, and with the instructions of Her Majesty, but the spirit of the Royal instructions. That is not the only question. What about a reference made to the Secretary of State? What about the Committee of the City Hall? What about the way it has been received by the City Hall Committee. I don't believe that in the history of Hongkong any body of gentlemen, whether they be of the race of the Chinese, or whether they were Germans, Americans, or British subjects, have taken the responsibility that the present committee have assumed in rejecting the suggestion of the Secretary of State, in rejecting, affecting the general public money, money of the ratepayers of this Colony. Perhaps the most illustrious man who preceded me in this Government, Sir Hercules Robinson, he is now in his old age, and he is a Chinese, and he is in this Colony. I am quoting from a despatch lately before Parliament and laid upon the table of this Council. They said, "and per cent. of the population were employed per annum in the service of the revenue." I know myself that they contribute considerably over 80 per cent. And you come to

these newspapers, and say to them, "Give us \$1,000,000, and we will give you the same." These are Chinese dollars, and you say, "We will endeavor in some little way to enlighten you on our notice board and make a distinction of nationality," though, of course, you mean the grant was made and stipulated that there be no such distinction. But with respect to the Secretary of State, an appeal was made. I was requested by my hon. friend to submit the proposition to the Hon. Secretary. I did so—what was the result? Sir Michael Hicks-Beach wrote a despatch, and he referred to the objection made by the City Hall Committee, that the Chinese had been the only Europeans—the objection that, in the Museum, Hoppins, Forbes, and Ruttenjoe made—that is, to use their words, "there was some likelihood of disturbances arising between the lower class of Chinese and the upper class of Chinese, the Chinese." Well, I must say I thought that very unlikely. Sir Michael Hicks-Beach thought it very unlikely. If the Chinese goes to the City Hall and sits at a desk, and writes, and reads, and should they be prevented, when they can go to the Gardens and look at a live snake, or go to the Library and call for a book with pictures of snakes? Is it the Chinese in the library? The library is open to them; the Public Gardens are open to them; forsooth, Messrs. Forbes, Hoppins, and Ruttenjoe are to prevent the Chinese subjects of the Queen from having free access to the Museum? Must we have a guard of soldiers when the despatch came from Sir Michael Hicks-Beach, in which he expressed grave doubts of these collisions occurring, and says he has no doubt that the Chinese would be glad to suggest that the Committee would have noted on his suggestion that for six months the entire free opening of the Museum should be tried, and then if collisions occurred some modifications could be suggested. I am sure that was the way it was done with it? It was referred by the Governor with the trust deed, with Sir Richard MacDonnell's minute, and all the correspondence of the Attorney-General, and the Governor's clear opinion—an opinion coincident with that of all his predecessors—that the legal estate be vested in Mr. Hryrie, that the money, if any were to be paid, should be paid to Mr. Hryrie. A letter was written to the Hon. Secretary of State, and the City Hall Committee in which he said—"The Governor desires me to say he is authorised by the Secretary of State to suggest the free opening of the Museum for the Chinese." I am sure, so I am to express the hope of His Excellency that the Committee will see its way to the adoption of the suggestion, and so remove the cause of difficulties from the eyes of the Trustees." The answer is: "The new regulations were so fully considered, and the majority were so clearly in favour of them that the Committee are unable to see any objection to the suggestion." So it comes to this, that these gentlemen, the majority of whom are not British subjects, are, forsooth, to exclude the Queen's British subjects from the Queen's park, which land worth \$70,000, or more, was granted by the Crown to all the inhabitants—that these

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of the Chinese papers, they are full of complaints about it, although it was not in the English papers. I admit, because a good many of the Chinese do not understand English, I have written a letter to the English newspapers. But what I say is this, there has been a complaint about this notice.

Hon. P. KYRIE.—The last one or the previous one.

Hon. N. KYRIE.—About making the distinction. I can refer you to some papers making complaints about the distinction made between nationalities. But I appeal to every member of the Council to say whether or not they would think they like that distinction to be made? It is all very well to say that the institution is open and free, but it is perfectly free in the face of that restriction. Would the hon. member say that notice to be put up? Hon. Mr. CHAN.—Like that notice to be put up? Hon. Mr. CHAN.—I have said before, this notice is not of much importance in itself, still there is the principle underlying it, and when you come to the principles of the constitution, I think I might say that if I have said anything that may hurt the feelings of any member of the community, but I think, sitting here as a member representing the Chinese community, it is my duty to make that point, and I must make it. I must make the statement if I did not speak out on what I conceive to be strong case and when I think proper to do so.—(Applause.)

THE ACTING COLONIAL TREASURER.—Your Excellency, I entirely agree with the Attorney-General. He has spoken in a very clear and logical manner, and has pointed out the great deal of interest in the City Hall, and from time to time, as my means would allow, have given donation towards it, and naturally I take some interest in this question between the Committee and the Council. I am glad to be in possession of the real facts of the matter I have been pretty much in the dark, like the generality of the public. The first document which served to throw any light on the subject, was forwarded to me by the hon. member, and was asked to me. I read it over and was asked my opinion afterwards by friends. I immediately inquired, are these all the facts with regard to this case that have been put before me? The answer was, that it was all, and in fact, at the meeting it was stated these were all the documents the Committee was in possession of. But, on the other hand, I was told there were others that might throw some light on the matter. The Committee said my opinion and trusted to hear the matter discussed in this Council and then come to a conclusion. I must say, after hearing your Excellency and seeing the documents you have produced, I am fully satisfied that the Committee are perfectly right in the matter. I don't see how any body of men could have met together and put any other interpretation on the documents.

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It started and became of any interest at all to few Chinese came to it, and it was not long before the Government, and myself included, were convinced that the creation of that colony, that it was made attractive enough to induce them to come in numbers. To meet the Chinese views in every way we neglected the Chinese. We had them at the bottom of our mind, and our only interest, to subscribe, to write to their friends in the country to supply articles of interest. We also wrote home. There was a paper published and sent to manufacturers and to the Government, and the Chinese the principal reason in the Colony were invited to meet the Committee, and did meet the Committee, with a view to frame rules which would meet the view of the Chinese, and also to show that the Government and regularity. As to any cities or races the action being intended, it was the most dissatisfying thought to anyone who took an

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and I am not mediating in question was got up by the hon. gentleman (Mr. Kerwie). He moved the first resolution. It was a resolution charging the Government with having been guilty of a crime as against the Chinese colonial population. As soon as second resolution was moved by Mr. Forbes, I asked him what did that say? That there was no crime committed by the Government in the confiscations of the Colony, and that flogging was the only really deterrent punishment. And Mr. Forbes then proposed the third resolution in substance that the Government had been guilty of criminal proceedings in respect of the out-of-laws. That was done in 1878. Whether the

HIS EXCELLENCY—The statements made at the foot of the Throne. The answer of Her Majesty was published, and the answer of the House of Commons was also published. I have therefore had resolved that address very graciously. Therefore, I say, it is not the first time that my satisfaction has been attempted between European and Chinese. It is not the first time that I have raised, and if this subject should awaken any class feeling the hon. gentlemen are Messrs. Giesels, Hoppin, and Rottentree are responsible.

HIS EXCELLENCY—Certainly. It is in order?

HON. W. KEWICK—The statements made in petition you have alluded to I deny most emphatically. I am sorry that we who had no participation in it whatever as regards the fo-

HIS EXCELLENCY—YAN CHENG KING.

In connection with the vote for tree planting, HIS EXCELLENCY said—I may remark that, the return of the tree-planting work to the head of the Colony, I have already mentioned. I have divided the amount spent by the Surveyor-General in 1877-78-79, but you find it spent by Mr. Ford under the head of tree-planting, and that sum was voted by the Council. I think that the Council vote ever taken for tree planting. I knew when I put it on the estimates it would meet with your hearty approval. Everything is being done for the benefit of the Colony, and tree-planting, and no expenditure will add more to the beauty and sanitation of the Colony than the services he is now engaged on.

HIS EXCELLENCY—And passed, and the Council approved *in fine*.

The Chinese Consul, who was not present at the General meeting on Friday, the 10th instant, explains, in an official letter published in the *Lat Pau*, the reasons for his absence. His Excellency, His Honour says, "I regret my absence, because I wish that I had expressed my deep regret and sympathy for the late Mr. Ng Choo, in accordance with the opinion of the Secretary of State. . . . I should have expressed my sympathy and condolence, as expressed by Mr. Evelyn and Mr. Ng Choo."

THE GOVERNOR AND THE CITY
HALL COMMITTEE.

more crowded than I think that ever was before," said Hon. J. M. Patterson. "At this time honor may be granted to ask a personal question—on sanitation and your Excellency's allegation as to my views on water carriage and fire insurance." Mr. HENNESSY, been lively, if not exactly profitable, and that of the 10th inst. was more than usually exhilarating. Mr. KNEWSTON's criticism of the estimates elicited a long and interesting statement from the GOVERNOR, which we shall consider in detail on a future occasion. The matter to which we now direct attention is the sudden onslaught made by His Excel-

The Council then went into committee. THE HOUSE TAX. Hon. P. RYAN: I wish to know whether it would be possible in any possibility, bye and by, a reduction of the police, water, and lighting tax. I am an advocate of light taxation, and I think it is a mistake to have a tax which is so much in excess of the rate to something like what it is in other municipalities. It is a very heavy financial tax to be a benefit to the colony. His Excellency said that he would refer to His Excellency the Governor-General. I then reverted to the old figure, but it showed my disposition to reduce taxation if possible, and I should be very glad to have the Council take any action.

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could serve no good purpose to follow His Excellency through his lengthy attack on the Committee, but there are one or two points calling for notice. In the first place, it strikes us as being peculiarly ridiculous for him or for any one else to suppose that the Committee, in publishing the correspondence with the Government on the question of the building, would dream of retaining minutes and documents written twelve years back, and which had nothing to do with their view of the subject, however important they might be to the present Governor in influencing and guiding him. No one can blame His Excellency for appealing to the acts of his predecessor in office, but it would hardly be the duty of the Committee to carry so small an annual report by including in it all the correspondence that has ever passed between the Committee and the Government on the management of the institution. His Excellency's intention that there had been a *suppressive veri* on the point was therefore totally unwarranted, and the emphasis with which the Governor repeated allusions by name to three members of the Committee was in deplorably tasteless, and betrayed an animus as little compatible to his station as to his heart. His Excellency was so far carried away by his anger as to allow it to be seen that he had laboured and still felt the enmity against all who took part in the memorable publication at which the first-fruits of his administration were so sternly condemned. His remarks are of course only weak, fallible, and misdirected mortals like the rest of us, but they should at least be careful not to let private feeling to bias their actions or their speeches. It is true that Messrs. HARRISON and HOPKINS are not British subjects, and they have very large stakes in the Colony, but they have been liberal supporters of its institutions, and are during their long residence here, more fact of these gentlemen being forgotten could not justify the Government in attacking their names with sentiments of contempt and defiance of Her Majesty. For the purpose of illustration, it was necessary to mention the names of these men as free men, and one which the community may be safely trusted to estimate at its true value. The Chinese whom Sir HARRISON can claim as British subjects are numerically inconsiderable, and have no very large interest in the place. However, the fact should not be lost sight of, that at the City Hall was built, and is maintained by the small British and foreign community. Granted that the Government owned the site—a very valuable one—could we would ask, do loss? Characteristically making the most out of this small site of a site for the Hall, the Governor gave its value at £70,000. This estimate has been based on the present estimate of value of land, for, as a matter of fact, the site in question, at the date of its grant, was not worth as much as it is now worth of the amount. It must not be thought that the Government could have granted such an institution, would be the rate of the rates. The Government would be the tax—and they are burdensome enough in all consciences—but leave the British and foreign residents to subscribe funds to build an institution which they are brought to expect would be granted them as a reward of a good site for the first building of the kind, and the small contribution of £200 yearly to pay the salary of the Librarian and Curator, surely constituted the whole that could possibly be done by the Government. They certainly do not warrant any interference as that attempted by HARRISON, and still less do they warrant the ground for the effort to cast upon him an unhappy task he seems bent on doing wherever he goes.

